

## CONSTRUCTION AND MAJOR MAINTENANCE

### Appropriation Language

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, [\$226,058,000] \$194,000,000, to remain available until expended[: Provided, That \$550,000 for the Susan B. Anthony House, \$1,000,000 for the Virginia City Historic District, \$2,000,000 for the Field Museum, \$500,000 for the Hecksher Museum, \$600,000 for the Sotterly Plantation House, \$1,500,000 for the Kendall County Courthouse, \$1,000,000 for the U-505, and \$600,000 for the Wheeling National Heritage Area shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a] , of which \$3,500,000 is for modifications to the Franklin Delano Roosevelt Memorial, notwithstanding section 1(d) of Public Law 105-29.

In addition, for completion of ongoing projects, including Elwha River Ecosystem Restoration pursuant to Public Law 102-495, to become available on October 1 of the fiscal year specified and remain available until expended: for fiscal year 2001, \$57,297,000; for fiscal year 2002, \$15,926,000; \* for fiscal year 2003, \$15,173,000; and for fiscal year 2004, \$10,301,000.

(16 U.S.C. 1-1c, 7a-7e, and 461-467; Public Law 102-495.)

\* The actual advance appropriations request for FY 2002 is \$17,926,000, \$2 million higher than included in the President's Budget Appendix.

### Justification of Proposed Language Changes

1. Deletion: “: Provided, That \$550,000 for the Susan B. Anthony House, \$1,000,000 for the Virginia City Historic District, \$2,000,000 for the Field Museum, \$500,000 for the Hecksher Museum, \$600,000 for the Sotterly Plantation House, \$1,500,000 for the Kendall County Courthouse, \$1,000,000 for the U-505, and \$600,000 for the Wheeling National Heritage Area shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a”

This language is proposed to be deleted because the funds included in the language are not requested for fiscal year 2000.

1. Addition: In the heading: “AND MAJOR MAINTENANCE”

The new words proposed to be added to the heading reflect the inclusion of major maintenance in the activities to be funded in this appropriation account.

2. Addition: “, of which \$3,500,000 is for modifications to the Franklin Delano Roosevelt Memorial, notwithstanding section 1(d) of Public Law 105-29”

This language is needed to allow appropriated funds to be used for the construction of an addition to the Franklin Delano Roosevelt Memorial. Section 1(d) of the authorizing law would allow the construction to be funded only from private contributions unless there is appropriation bill language to negate this restriction.

3. Addition: “In addition, for completion of ongoing projects, including Elwha River Ecosystem Restoration pursuant to Public Law 102-495, to become available on October 1 of the fiscal year specified and remain available until expended: for fiscal year 2001, \$57,297,000; for fiscal year 2002, \$15,926,000; for fiscal year 2003, \$15,173,000; and for fiscal year 2004, \$10,301,000.”

This language is proposed to request advance appropriations for ongoing projects including full funding for Elwha River Ecosystem Restoration.

## **Construction and Major Maintenance/Appropriation Language, Changes and Citations**

### Appropriation Language Citations

1. For construction, improvements, repair or replacement of physical facilities,

16 U.S.C. 1-1c, 7a-7e and 461-467

16 U.S.C. 1-1c creates the National Park Service to promote and regulate the use of national park areas for their conservation and enjoyment and provides authority for administering areas within the National Park System, thus implying authority for construction, construction planning, and equipment replacement for these purposes. Specific authority is provided in 16 U.S.C. 1a-5 and 1a-7 for general management plans for national park areas and for studies of areas which may have potential for inclusion in the National Park System. (Also, Congress has enacted limited authorizations for appropriations for specific construction projects.)

16 U.S.C. 7a-7e provides specific authority for the Secretary of the Interior to plan, acquire, establish, construct, enlarge, improve, maintain, equip, regulate, and protect airports in, or in close proximity to national parks, monuments, and recreation areas when such airport is included in the current national airport plan of the Secretary of Transportation.

16 U.S.C. 461-467 provides specific authority for the Secretary of the Interior to acquire property and to restore, reconstruct, rehabilitate, preserve, and maintain historic and prehistoric sites, buildings, objects, and properties of national historical or archeological significance.

2. including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989,

16 U.S.C. 410r-8

Section 104 of the Everglades National Park Protection and Expansion Act of 1989 (Public Law 101-229), 16 U.S.C. 410r-8, authorizes certain modifications at Everglades National Park. Appropriations for this purpose are authorized by section 102(f) of the act, 16 U.S.C. 410r-6(f).

3. \$\_\_\_\_\_, to remain available until expended,

No specific authority

This appropriation involves development programs which require more than a one-year cycle from their beginning stages through the actual construction of facilities. This applies to both preauthorization planning for areas that have been proposed as additions to the National Park System, and post-authorization planning for existing areas and those newly added to the National Park System. Both of these are preceded by reconnaissance studies that vary in style and duration and can be relatively simple or extremely complex. It is in the latter situation where more than a year may be required for completion of a program.

4. of which \$3,500,000 is for modifications to the Franklin Delano Roosevelt Memorial, notwithstanding section 1(d) of Public Law 105-29.

Public Law 105-29

Public Law 105-29 authorizes the planning, design and construction of an addition to the Franklin Delano Roosevelt

NPS-338

**Construction and Major Maintenance/Appropriation Language, Changes and Citations**

Memorial to recognize that President Roosevelt used a wheelchair. It authorizes appropriations necessary for this purpose, except that section 1(d) would allow the construction to be funded only from private contributions unless there is appropriation bill language to negate this restriction.

5. In addition, for completion of ongoing projects, including Elwha River Ecosystem Restoration pursuant to Public Law 102-495, to become available on October 1 of the fiscal year specified and remain available until expended: for fiscal year 2001, \$57,297,000; for fiscal year 2002, \$15,926,000; for fiscal year 2003, \$15,173,000; and for fiscal year 2004, \$10,301,000.

16 U.S.C. 1-1c, 7a-7e and 461-467; Public Law 102-495

16 U.S.C. 1-1c, 7a-7e and 461-467, the same authorities cited and explained above for the regular appropriation language, also apply to the advance appropriation language proposed for ongoing construction projects.

Public Law 102-495, the Elwha River Ecosystem and Fisheries Restoration Act, authorizes acquisition of the Elwha and Glines Canyon projects and restoration of the Elwha River ecosystem and native anadromous fisheries.